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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,883	04/22/2005	Sean C Penrith	8319.003	9764

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EXAMINER

NGUYEN, PHU HOANG

ART UNIT	PAPER NUMBER
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1731

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/509,883

Applicant(s)

PENRITH, SEAN C

Examiner

Phu H. Nguyen

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/4/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/04/2004, 4/22/2005
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penrith (U.S Patent No. 5817162) in view of Schutz (U.S Patent No. 2001436).

Regarding claims 1-3, Penrith discloses a method of forming a goblet from a glass bottle of the type having a base, body portion extending from the base and converging towards a neck which terminates in a mouth, the method comprising the steps of severing the base from the body portion along at least a first severance plane which is proximate the base to thereby form a rim (column 1, line 24-35); sealing a portion of said neck with molten glass to define a closed volume within said body portion (column 1, line 53-54). Also, Penrith discloses the mouth of the bottle is typically affixed to upper most interior surface of the base of the bottle to form a foot or alternately the mouth of the bottle is affixed to a lowermost exterior surface of the base of the bottle. However, Penrith does not expressly disclose flaring the mouth of the glass bottle to form a flared foot. Schutz discloses a method to flare glass foot by heating and using centrifugal force cause by continuously rotation of the glass article (page 5, line 70 to page 6, line 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have yet another alternative to forming a flared

Art Unit: 1731

foot by heating and flaring the mouth outwards while the body is spun under centrifugal force. Accordingly, claims 1-3 are rejected.

Regarding claim 5, Penrith discloses removing a waste portion of the body along a second severance plane which is parallel to the first severance plane. Penrith needs the additional severance to remove the waste portion because Penrith is intended to use the base of the bottle to form the goblet. For the instant claim 5, it is not necessary to have a second severance since the whole part from the base up to the severance line is consider waste portion. Therefore, it would have been obvious to one of ordinary skill in the art to remove the waste portion from the severance line to the base of the bottle. Accordingly claim 5 is rejected.

Regarding claim 6, Penrith discloses the base may be severed from the body by forming a score line around the outer periphery of the body, and subjecting the score line to a thermal shock in the form of a temperature differential so as to cause the body to crack along the score line (column 1, line 57-61). Accordingly, claim 6 is rejected.

Regarding claim 7, Penrith discloses The temperature differential is typically applied by heating the body in the region of the score line using a flame or a hot fluid, and subsequently cooling the body using a relatively cold fluid (column 1, line 62-65). Accordingly, claim 7 is rejected.

Regarding claim 8, Penrith discloses an abrasive saw may also be used to sever the base from the body (column 2, line 3-4). Accordingly, claim 8 is rejected.

Regarding claim 9, Penrith discloses a method to remove residual stress from said body portion by a slow cooling process (corresponding to the claimed "an annealing process" recites in the instant claim 9). Accordingly, claim 9 is rejected.

Regarding claim 10, Penrith discloses the rim subsequently be polished using an abrasive belt or a disk, a polishing paste, a flame or a laser (column 2, line 19-20). Accordingly claim 10 is rejected.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Penrith (U.S Patent No. 5817162) and Schutz (U.S Patent No. 2001436) as applied to claim 1 above, and further in view of Inns (U.S Patent No. Des. 284631). Penrith discloses sealing the neck with molten glass. Penrith does not disclose sealing includes twisting said neck under heat and rotation. Inns discloses a goblet with twisted stem (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to twist said neck under heat and rotation to construct a twisted stem for the glass goblet as taught by Inns. Accordingly, claim 4 is rejected.

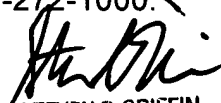
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu H. Nguyen whose telephone number is 571-272-25931. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


STEVEN P. GRIFFIN
SUPERVISORY PATENT EXAMINER
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P.N 4/12/2007